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# **FUWUKARI JOURNAL OF POLITICS AND DEVELOPMENT**



**FUWJPD**



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FUWukari Journal of Politics and Development is the journal of the Department of Political Science, Federal University Wukari, Wukari Nigeria. The Department is committed to publishing peer-reviewed articles that make a significant contribution to politics, governance and development as well as in peace and conflict resolution and in security matters.

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Articles should be devoted to the theme and should strive to give intellectual directions to the on-going debates and discussions on restructuring in Nigeria and some other African countries. Scientific, theoretical, analytical and empirical (not emotive) discourses are encouraged in the articles.

Articles are to reach the Editor on or before 30<sup>th</sup> October, 2017 through [fuwjpd@fuw.edu.ng](mailto:fuwjpd@fuw.edu.ng) or [cujanwanegbo5@gmail.com](mailto:cujanwanegbo5@gmail.com).

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## Typology of Legislative Assemblies

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### Abstract

This paper explores the types of legislative assemblies analysis the suitabilities of each type to the known democratic systems. It is essentially an explanatory discuss and was guided by information drawn from the secondary sources.

### Keywords

Legislature, Legislative Assemblies, Representative Democracy, Government.

### Introduction

Democracy is strongly associated with constitutional government and division of power between the three major arms- legislative, executive and judiciary, saddled basically with law making, its execution and adjudication respectively, which are fundamental to its operations and beauty.

The law making arm of government is not only fundamental to democratic sustenance, but to giving expression and genuine meaning to representative democracy also since direct democratic practice appears not feasible and impracticable in modern society. A virile legislature promotes political stability (Fish, 2006 as cited in Fashagba, Davies and Oshewolo, 2014:104). This of course is indispensable to democratic consolidation and development.

The legislative arm is a body of representatives of people living within a geographical sphere in a country usually delineated as constituency. In other word, it is a division of a country into constituents premised on either spatial or population consideration with an elected or appointed individuals as representative of such group of people. A representative, in this sense, is the channel through which the will of that constituency is

expressed. The representative is thus the mouth piece of that constituency in all issues, be it community or national at the legislative house. Excepts in states like Canada where some representatives are nominated, and United Kingdom House of Lords that comprises members who acquired position either through inheritance or royal appointment, (National Democratic Institute (NDI), n.d.:5), legislatures are chosen through the elections, an indication that constituents willingly yielded their sovereignty to their representatives, on which ground representative democracy stand and thrive. Representative denotes contractual trust and consensual agreement between elected representatives and their constituents. (Harvey and Harvey, 1989, as cited in Arowolo, 2015,:2) It therefore implies that representatives have a "social contract agreement" with the people they represent and naturally, their interest is both expected to be uppermost and paramount.

However, there are variations in legislative action across the globe with dynamics and differentials in terms of nature of operations, number and other features. While some have strengthened their legislative system adopted from inceptions of constitutional government, others have modified, restructured or completely switched from one form to another. Legislative variation and diversity constitute the major issue area for discussion in this chapter as we examine different types of legislative assembly, mode of their meeting, nature of their mandate and how it operates in parliamentary, presidential and semi-presidential systems of government.

### **Bicameral and Unicameral Legislature**

There are two major types of legislative assembly- unicameral and bicameral. Multi-cameral is unpopular, indeed it has no concrete practical existence in modern society and thus does not attract attention or fittingly included in legislative categorization in the literature. Nevertheless, it is sometimes established to take care of diverse group representation in a plural political system (Krepeli, nd, as cited in Fashagba, *etal*, 2014:108). Similar purpose bicameralism serve, perhaps, must have been responsible for the relegation or unpopularity of multi-chamber legislature in the contemporary world. Therefore, we shall focus our discussion on single and dual legislative assembly as we unveil their features, merits and demerits. But it is noteworthy that a nation's choice is often guided by many factors that aggregate most time, as informants of legislative types decision appropriate for a polity. History, culture and ultimately political factors specific to a country chiefly influence their decision to opt for either bicameral or unicameral legislature. (NDI, nd:2) In this sense, culmination of past experiences of a polity across history, political, geographical entity cultural and religion diversity do prompt and inform the present cameral choice of a state. And central to a state choice is their national interest and citizen's welfare at both immediate and long term.

### **Bicameral Legislature**

Bicameral indicates two legislative arms. It defines a country legislature comprising of two chambers, with different reference names in different states and same in some, but generally they are referred to as upper and lower chambers; specifically named in United



States of America and Nigeria as Senate and House of representatives, House of Lords and House of Commons in United Kingdom, Bundesrat and Bundestag in Germany, Senate and House of Commons in Canada. In some country like U.S.A and Nigeria, both chambers possess co-equal or offsetting power while one has upper hand over the second in some. In Botswana for example, the upper house, the National Assembly, were both directly elected and plays a more prominent role than House of Chiefs largely comprising of traditional tribes, party elected and nominated individuals. Dual chambers with equal power are referred to as strong and the other as weak bicameral legislature system because of variation in the wielding of power on issues and law making. Nevertheless, both are guided by provisions and dictates of the nation's constitution which also regulates their operations and relations. Generally, constitutional content or stipulations is the radar that gives direction and instructions on legislative procedures, processes and power jurisdiction of both Houses. In Nigeria for example, the fourth republican constitution makes it imperative for the two chambers to concur on any legislative matter before such can enjoy the force of law. (Fashagba, Davies and Oshewolo, 2014:108) Though there may be list of issues reserve for the upper or lower chamber exclusively, like the approval of ministers, ambassadors and other executive appointments are to be singly approved by the senate in Nigeria, and only the House of Representatives can initiate spending bills in United State while the senate confirms presidential appointments and certifies international treaties (NDI,nd:5), any act of usurpation of duty reserve for a House by either of the chamber are considered "*ultravire*" and unconstitutional.

Furthermore, heterogeneous society, most time adopt bicameral chamber. Diversity of culture and beliefs, which are breeding pot of multiple parochial interest in the political arena and fiscal resource sharing, ingeminates necessity for dual representative legislative assembly. Countries characterized with plural identity adopt bicameralism with a view to ensure equal and fair representativeness in the area of geographical location, tribal identity, either major or minor, and also to accommodate group interest in some instances. The national configuration features influence the design of suitable political structure as crisply captured by Arowolo (2015:6) thus "..... a country tends to adopt a system that matches its political structure and fits into its domestic realities".

In addition, population is another major factor that characteristics a bicameral legislative states. Countries with large population always find shelter of adequate representation under dual chamber, With exception to Switzerland as regard this general norm, with population of just more than six million, countries practicing bicameralism are highly populated. In fact, in many of these states-Nigeria and U.S.A as example, population is used to determine the number of representative into the lower chamber. In Nigeria, population is sole criterion for delimiting constituency into the house of representative, where a legislative is expected to represent average of 100,000 citizens according to 1999 constitution.(fashagba, *et al*, 2014:108).The upper house senate are base on state equal representation. Two are expected to represent a state in U.S.A. While three in Nigeria with one from the state capital- Abuja.

Having examined features of bicameralism, it is important we highlight its merits and demerits.

### **Merit of Bicameral Legislature**

- i. It affords broad formal representation of diverse population along the line of state, region, canton; cultural in form of ethnicity, social class stratification –masses, poor, rich, and religion faith cum sect, that is, Islam, Christianity, atheist, traditional believers, Hinduism, catholic, protestants, evangelicals, shittes, sunni e.t.c.
- ii. Bicameral legislative assembly provides opportunity for broader prospective sharing on issues, closer scrutiny and robust debate of bills, clause by clause examination of content and context, local context consideration of laws application and compromise of sectional interests where national consideration is essential or should prevail.
- iii. One house always serve as a check on other against law designed to foster and serve personal or parochial interest and thus hinder the passage of unpopular and flaw laws
- iv. Two legislative arms facilitative the performance of oversight function over executive administrative activities which thus promote the principle of checks and balances which is *sine qua non* to good governance in a democratic regime.

### **Demerits of Bicameral Legislature**

- I. Bicameralism is costly and expensive. The huge bill of two branches increases the cost of governance. This comes in terms of overhead and personnel costs, duplication of committees, principal officers and the perquisites of office that accrue to those position among others..
- ii. Bicameral legislature promotes unhealthy rivalry between the two chambers. This do promote contest for supremacy, conflict over constitutional mandate, or war of sectional or personal interest over a bill, policy issues or resource allocation in a polity
- iii. Long gestation period of a bill life before becoming a law due to both house independent passage and/or recourse to conciliatory committee to resolve areas of difference, which eventually promote unnecessary bureaucracy, causing delay is a potent disadvantage associated with dual house legislative.
- iv. Bicameral assembly is noted to be unsuitable for emergency bill consideration compared to a single house assembly that can expedite a bill passage without recourse to another chamber.

### **Unicameral Legislature**

Unicameral depicts a unit arm of legislature. When a country adopt a single legislature chamber for its constitution representative in the law making and discharge of other functions, it is tagged a unicameral legislative congress. It contrast bicameralism in nature, features and its operational system but not in performance of functional roles. A chamber legislative assembly is most often adopted in geographical countries that are structured on a unitary governmental system with fewer than 10million people.(NDI,nd:3) Aside from united kingdom that practices unitary system of government with bicameral legislature,



though power is also share between the central and territorial unit just like any other but with high concentration at the center, unicameralism is naturally adoptive to unitary system of government. This is one of the justifying premises for their correlational relationship which equally account for reason why many country adopt both simultaneously. Though, it should be noted, that federating units of some country that practice bicameral legislative sometimes adopt unicameral assembly according to their constitutional requirement as obtainable in Nigeria for example.

Another feature that is strongly related to unicameralism is homogeneity of citizens. Nationals of unitary states are to a large extent homogeneous in race, language, belief, and other cultural parameters with little variation where there is any. United Kingdom, Costa Rica, Hungary and Morocco that switched to bicameral legislature in 1996 in order to increase representation (NDI,nd.:11),are typical of homogenous countries that contrasts heterogeneity associated with federalism. The similitude in social features must have limit diversity of interest and demand requiring representation in polity via legislatures. As such, political conflict is minimal which is characterized with a stable polity due to this inherent centripetal force. Be that as it may, let us discuss further its strength and weaknesses.

### **Merits of Bicameral Legislature**

- i. Unicameral legislature is less expensive to run since only one body operates with less number of representatives compared with dual chamber that accommodate both block and population representation at the same time. Thus, tax payers money is deploy for other developmental purposes.
- ii. Speedy passage of bill is possible and feasible in unicameral chamber as there is absent of any co-equal or confirmatory rival house for further consideration. It thereby promotes speedy passage of bills, enables meeting urgent needs and facilitates timely transition of a bill into law with little or no administrative bottleneck.
- iii. Legislative representative accountability to their constituents and the country as a whole is highly enhanced with unicameralism. This is simply because there is no alternative chamber to trade inefficiency blame with or references as cause of legislative duties underperformance.
- iv. As a corollary to point number three, constituents and the entire population have fewer number of representatives to monitor and carry out performances appraisal over in a political system. The lesser number is a plus because the citizens' will be able to know and acquaint themselves with individual representative's contribution on both debate on a bill and other function which will inform their qualitative judgment of such member and consideration for either re-election or higher office.

### **Demerits of Unicameral Legislature**

- i. It gives room for non-representation of minority interest in the society and possible underrepresentation of densely populated region in an effort to manage the number of representatives, reduce cost of governance or predicating on the submission that diversity of interest is not synonymous with homogenous society.

- ii. Inadequate consideration of bills, first as a single assembly with limited number of people for diverse perspectives viewing, and second, in a bid to hasten up a bill passage and reduce its gestation period, often give birth to incomprehensive cum flawed laws and hasty legislation for the country.

More importantly and worthy of note, is the fact that the value adding worth of a legislatures, especially concerning promoting the interest and welfare of the electorates is more germane and fundamental than the number of legislative arms that is used to attain such in a political system. Further, what also matter is how well the legislative type adopted is practice, its commitment and sincerity of purpose (Arowolo, 2015:6). On this note, what appear to be better between bicameral and unicameral legislatures is the one suitable for addressing political structure and features of a country and operates according to its basic tenets with consideration for environmental context.

### **Full Time and Part Time Legislature**

Time allowed to engage in legislative business by legislators is a significant factor that is use for its classification. A full time set of assembly members are referring to as professional legislature. This is not in the sense of their technical expertise but to underscore their total time commitment and that they are not fully involve in any other private business, and if at all they are, it is not overtly acknowledged. In this context, legislative members devote their full time to the job, at least expectedly.

Representatives in this category are highly compensated and a large number of them are always ambitious for higher office. (Powel, 2012, as cited by powel, 2013,:16). Since there are attach allowances, influence and other appurtenance benefits to members occupying leadership office in the assembly in addition to their official emolument, quest to hold such offices do increase with resultant jostling for it among legislatures. Indeed, it is a major issue that is responsible for keen context in some country, especially developing nation like Nigeria dogged with intense politicking over legislative leadership position as well as committee position or membership primarily meant to ensure proper internal administration. Consequently, diversion of interest, from constituents, distraction from legislative functions to other frivolous issues and unwarranted suspicion and insertion of personal interest on national policy and bills are imminent in the assembly if the situation is poorly managed afterward.

The part time legislatures offer just fraction of their productive time for service. In this case, few are most time interested in running for leadership position. They are not place on monthly salary but rather on allowances for duty and special assignment especially, sitting and travelling allowances. Conversely, it is less competitive in the choice of leaders for offices and place less financial burden on state when compared to professional assembly. In fact, it has been the most significant basis on which call by some citizens and scholars for part time legislature are predicated. For instance, Arowolo strongly recommended to Nigeria government to shift from full-time to part-time service-oriented and professionally maligned legislator based on his research findings that Nigerians are dissatisfied with their

full time legislatures' performance and impact on governance. (Arowolo, 2015: 10) It is safe to argue that steady accrual of benefit is a major motivational factor for re-election anticipation and not patriotic passion for service by many full time legislative assembly, especially in well paid states. This is in tandem with some legislative scholars submissions that "higher legislative salaries heightened legislators' motivation to retain office" (Ganim and Kousser, 2010, as cited by Powel, 2013:16)

Nevertheless, it is suffice to ask this pertinent question that despite the cost and other shortcomings of full time legislatures, why do many states still adopt it today? Though few country employ part time legislative system, but the seriousness accorded to law making and other functions of representatives assembly, more importantly, check and oversight over executive arm likely excesses and abuse of power, which demand timely and pragmatic approach provide a valid answer to the question. This notwithstanding, a well motivated part-time law makers can still stand this feat, and so should be considered by poor countries to achieve the desire for cut in the cost of governance and where full time is opted for, their remuneration and allowances must be design in alignment with the nation's civil service salary scale. By so doing, cost will be minimal and service will be the primary motive for seeking election as money- incentivized is discouraged.

### **Types of Legislative Mandates-Instructed and Uninstructed**

Legislative mandates are vested authority by the electorates. Constitutional representative democracy empowers the people to transfer their sovereignty through ballot casting to their elected officials. The president elected nationwide possesses national mandate and the entire territory as his constituency while a legislature only receive limited geographical mandate within its constituency. Howbeit, he is expected, most time, to be a residential citizen of such jurisdictional territory so as to understand their needs, be acquainted with their sentiments and above all share their local feelings and community spirit. The essence of this is to be able to serve as transmitter of their parochial needs to the national front as their mouthpieces and eyes. There has been a continuous debate on how a representative should perform this function with the fact that they have their personal inherent feelings and views on issues, which cannot easily be discarded, and other non-constituent interest drawing their attention. Therefore, to reconcile these perspectives of representative role, the four representative models-trustee, delegate, resemblance and mandate, in relationship with its real world application will illuminate what instructed and uninstructed mandate actually mean or represent as concepts of representation and help our understanding.

### **Trustee Model**

The trustee model believes that legislatures are instructed with a right to hold in trust, with a sense of responsibility, an affair for somebody or a group. As such, the model presents legislature as a representative of a constituency meant to exercise "sound judgment" and "enlightened conscience" (Burke, 1975, Heywood, 2007, as cited by Arowolo, 2015:4) Some believe that representatives are independent of their constituents and should follow their best view of each situation: (Terranova, 2009:1343) Application of sound judgment,



enlightened conscience are both discretionary, so portray independent of the peoples opinion he/she is representing. Thus, there is lesser need for legislature's consultation with the electorates on issues affecting them and need to sample their opinion when necessary. Logically, this undermines people sovereignty underlying representative democracy. In reality, in most advance democracy, representative often consult their constituents on major issues affecting them and sometimes on national debates so as to prevent recall or re-election failure when people perceive neglect. But in developing democracy, the opposite is the case as recall is not considered as part of the social contract deal but only re-election that can even be manipulated. In actual sense, while legislatures bias and discretion cannot be ruled out totally in representative assignment, the over discount or neglect of peoples' interest they represent is a betrayal of trust repose on them in the real sense of it.

### **Delegate Model**

Delegate representative model depicts principal-agent relationship between the constituents and legislatures. Just like a delegated authority, the recipient is expected to act within the given scope and power. The delegator still has the right to withdraw its power and delegate cannot re-delegate delegated power as well. To understand its application in legislative study, it simply means a legislature enjoys delegated power from his constituents which can be re track via recall or refusal to re-elect and such power is meant to service their interest and needs as he acts on their behalf. It concurs with the principle of representativeness that posits that a legislature is a sample of its constituency and should reflect its character also. And as a delegate, he cannot act independently or jettison its people's idiosyncrasy, value, ideology or interest.

In the real sense, this is applicable in a more civilized society where accountability is demanded by the people and not where it is a privilege to receive such legitimate feedback as obtainable in emerging democracy.

### **Resemblance Model**

This model is more interested in finding out if a representative is selected based on his sentiment and sympathetic attachment to group he/she is chosen from. (Arowolo, 2015:5) Sharing a constituent feeling and parochial interest is the basis on which a representative of a group or demography should be chosen. Therefore their representative is a replica of their ideology, culture and other peculiar interest particular to them. Though resemblance model projects importance of particular area or group interest representation in a larger space that is imperative to genuine representativeness, but fail to deemphasize national or entire community interest which is central to collective survival and sustainability. Also, its extreme application to private corporate firms, gender, or similar interest that can engender schism and possibly conflict in the larger community is a misapplication and its shortfall that should be avoided. Private parochial interests should not supersede or intimidate a collective resolve to unite, co-exist or co-habit in peace and harmony.

### **Mandate Model**

The emergence of modern political parties brought new theories and most influential of them is the doctrine of mandate (Heywood, 2007, as cited by Arowolo, 2015:5). Inferentially, representation is at the instance of mandate given by the political party a legislature used as a platform for winning election. Hence, the representative is having and

representing the political party mandate in form of manifestoes to advance in assembly and not his personal conviction. In this regard, people's mandate is transfer to the legislature through the political party and both interest must be given attention and consideration in legislative engagement.

In practical term, both interests are carefully reconciled in representation along with personal bias by legislatures in modern political system. Therefore, championing of only party or one interest is practically impossible while striking a reconciliation deal via compromise is now a norm and part of the rule of the game. But to categorically aver that legislature represent only party interest is far from truth and reality which is a deficit to the model.

### **Instructional Mandate**

Mandate from the four models analysis have people as a common denominator but also reveal other sources from which legislatures receive instructions and as political stakeholders as well. Whose instruction is most important to act on by a legislature is a question that demands justified and explicit answers. If sovereignty truly lies with the people, then they have the right to have their interest rightly represented and must be communicated as "informational instructor". Where a representative does not either acknowledge or refuse to adequately represent the people, instructed mandate is jeopardize in operation. However, party rival electorate today in instruction as well as interest groups but a representative cannot discount the power of its constituent members who actually elected him/her, and still reserve same power for recall or re-election. Although, both party and people are instrumental to legislatures election, and legislative scholars have stress the importance of both as major determinants of floor voting, (Powel, 2013, P.4), real sovereignty resides with people that "thumb print or click" at election.

Prior the civil war in United States of America for instance, state legislatures, regarded as peoples' deputies instruct the federal legislators on how to vote on issues affecting them though it vanished after the war (Terranova, 2009, :359). This unarguably buttress people as the most potent instructor but was delegated to the state assembly before it was interrupted after America' civil war of mid 19th century.

Explaining this with the models discussed earlier, delegate model crisply portray the picture of instructed mandate as representatives only champion the delegated instructions of his constituent in legislative house. Resemblance model do contend that legislatures are sub-sets of their people but does not emphasize continuous consultation with them in a dynamic environment characterized with changing demand and interest. Mandate model actually elucidate the interest of political party that is expected to tally with that of the national interest which is also about the people. Nevertheless, in contemporary world, instructed mandate main binding source is the constituent while others are secondary even when trustee model is necessary for the entire national interest consideration, still it cannot be to the detriment of the constituency.

### **Uninstructed Mandate**

Mandate that depend on the whims and discretion of the legislature falls under uninstructed classification. In other word, where there is no express demand from the people, political party or group, the legislature is free to exercise his/her personal will and is not answerable to any one at that particular point in time. Trustee model better picture this instance that representatives can act independently and rely on their personal conviction. Undoubtedly, this situation is not realistic in the real sense in any social entity characterized with competing interest. Scarcely is any bill or policy issue that will not attract at least either of the constituents members, political party or interest group interest. Infact, virtually every issue has effect on inhabitants of a country either directly or indirectly and inputs in form of interest promotion cannot be completely absent at any point in time in active and functional political system. Opportunity for legislature independent act will surely arise or exist, perhaps when a close door session on issues affecting representative personal concerns are discussed, but issues affecting general concern cannot escape instruction sources. Thus, uninstructed mandate is relative and cannot concretely or completely be applied independently in the real sense of it.

### **Balancing the Scale**

Representation function is a mandate that require intelligence management application among pressing interest and pressure groups. Representatives therefore need the balancing the scale technique for effectiveness and true representativeness. The spectrum of interest representation ranges from that of constituents, national political party, pressure groups of diverse interest and personal. But as regard that of balancing national and constituents, politico approach to representation, which reconcile national (Burkean approach) and constituency (Wilsonian principle) interest representing trustee and delegate models respectively is strongly advocated (Saffell, 1989, as cited by Fashagba, Davies and Oshewolo, 2014 :107). Similarly, party interest as stated in their manifestoes should be incorporated with that of the constituency while group interest must be filtered and view with the lenses of national and constituency interest to avoid undue private interest override over any of both interest.

### **The Legislative in Parliamentary, Presidential and semi-Presidential Systems**

Legislative Assemblies perform approximately same function in every polity. In some, it may be strong, while very weak in other. However, what influence the strength of their performance are form of the government and the relation between it and executive arm (Bogdanovskala, nd: 6). But, both are constitutionally determined also. To appreciate why a legislative arm function better in a system than the other, we have to beam our search light on the form of government under which it operates. Definitely, it will be parliamentary, presidential or semi-presidential form of government. Therefore gaining insight into their working system will brighten our mind on legislative study.

Parliamentary system merges both legislative and executives activities in its operations. Members of parliament are elected from their various constituencies but a party with the majority members in the house or in alliance with one other, where majority seat is



not secured, has the right to choose the head of government executive arm from among them, who is referred to as Prime Minister. The Prime Minister also proceeds to choose members of the cabinet, kitchen-cabinet that are to head ministries among the legislatures while they still remain part of the law making body. Both the Prime Minister and his cabinet are collectively responsible for their actions and inactions at the parliament—no isolation of interest on issues and bills, and at the same time run the executive administration of governance. Thus it is referred to as "fusion of power".

Furthermore, the concept of power separation is not fittingly applicable in parliamentary legislative system. It is simply because "the executive leadership in a parliamentary owns its existence to legislature because it is drawn from it and it remains a part of it" (Fashagba, Davies and Oshowolo, 2014:109). Since the head of government and its cabinet members are not directly elected by the citizens but by fellow counterparts in the parliament, they are directly accountable to them and not to the people. For example, In United Kingdom that is popular with parliamentary system, though practice bicameral legislature, the Prime Minister stands to be impeached by the member of the house of common if it so demand which will also mark the end of the cabinet or executive leadership. In summary, parliamentary legislative system recognizes the principle of separation of power in flexible form and the legislative body has not been able to play a leading role in the law-making process (Bogdanovskaia, nd: 8). legislature are not pro-active in private bill initiation because chunk of it emanate from the kitchen cabinet and thus non member legislatures tend to be passive in legislative activity when compared with their executive counterparts.

The presidential system is a form of government where the citizens elect the head of state and government directly which make the president directly responsible and accountable to the people. Similarly, member of the legislative assembly, either unicameral or bicameral system are elected directly by the electorates, except where nomination or inheritance practice are applicable and, expectedly, they are responsive and accountable to their individual constituencies. Both legislative and executive, in this context, are independent of each other in function and purpose. Doctrine of separation of power is in full fledge operation in a presidential legislature system. In reality, cooperative relationship is expected to be fostered between both arm, and the executive restrain from unnecessary interference in the legislative affairs. U.S.A, Canada, Romania, Nigeria are good examples of countries practicing presidential legislative system.

Because of a distinct operation between the executive and legislative department, legislative role is more active and pronounced in presidential system. Legislatures in presidential democracies play a more significant role in policy formulation and budgeting when compared with parliamentary system (Fashagba, Davies and oshowole, 2014:109). Constitutionally, legislature assembly has statutory duties to perform as clearly enshrined. Aside law making, which consider state interest with the society and mistakes in the process has negative result for the development of the society (Bogdanovskaia nd,:3), approval of executive nominee for appointment into both political and non-political offices, consideration and approval of budget and oversight function over administration exercise

of the executive arm are more prominent and significant among others. All these justify active nature of legislative arm in a presidential form of government. Notwithstanding the strength, party discipline in presidential legislature is very weak when compared with parliamentary system. Decline of party order or stance on policy issues to switching from elected political party to another while still in office (cross carpeting), outright disregard for party majority or minority whip directives or caucus meeting position—these characterize Nigeria legislatures, are major causes of division in houses and contributory causes to inter and intra-party crisis in the polity. The negative consequences on democratization process cannot be over emphasized.

Semi-presidential parliamentary system is a mid-point of parliamentary and presidential. It describes a political system that shares the characteristics of both presidential and parliamentary. The president, popularly elected exists in conjunction with a prime minister with a cabinet, who are members of the parliament and elected by the various constituencies. Basically, the three features of semi-presidential parliamentary system are first, the president is popularly elected, it has considerable constitutional authority and there also exist a prime minister and cabinet (Shugart, 2015: 324). This system exists with diverse variation from one country to another and stark difference as regards the power and function of the president and Prime Minister. In some, the president has controlling power over the cabinet, especially if they are from the same party, while it does not in others. Countries like France, Portugal, Russia, Burkina-Faso, operate semi-presidential legislature. Above all, it is a hybrid of parliamentary and presidential system of government. Nevertheless, of great concern in this context is the working of the legislative arm in relationship with the executive department. The function and system of operation of the legislature tilt more toward the semblance of parliamentary system where the prime minister with the cabinet are directly responsible to the parliament but with the little modification of relating with executive president either as chief executive or not, in executive administration activities of the country. In this regard, the legislature still remains independent to some extent in the performance of their duties even when the president has the power to dissolve the cabinet. The electorate mandate of the legislative assembly cannot be tinkered with and its statutory duties are not transferable likewise. Therefore, the legislative in semi-presidential shares the nature and features of parliamentary system in its character and operation but with limited executive power in cabinet functions and thus there is less fusion of legislative and executive power.

### **Concluding Remarks**

Legislative assembly is an indispensable institution in a constitutional democracy. Irrespective of their type, their electoral mandate heightens the importance of people's sovereignty in a political system. A country's political structures, features and power division preferences along their political culture and history are factors that largely determine their type and constitutional operational provisions. There may not be a rule of thumb on the appropriate number, mode of operation as benchmark in our modern world today, but their role are almost the same in all countries.

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